

REMARKS

Reconsideration and allowance of this application are respectfully requested. By this communication, claims 1 and 8 are amended. Support for the subject matter recited in claims 1 and 8 can be found, for example, in Figure 5 and paragraphs [0051] through [0054] of the disclosure. Claims 1-15 remain pending.

Rejections Under 35 U.S.C. §102

Claims 1, 4, 7, 8, 11, 14, and 15 were rejected under 35 U.S.C. §102(b) as anticipated by *Shirasawa et al* (U.S. Patent No. 5,689,590). Applicants respectfully traverse this rejection.

Shirasawa fails to disclose or suggest every element recited in Applicants' claim, and therefore does not establish a *prima facie* case of anticipation.

Applicants' claims broadly encompass the features shown in exemplary Figures 4 and 5. As illustrated, color image data is read from a document that is input into feeding system 300. The feeding system 300 includes a reading system 200 having an input portion for generating color image data read from a document. An engine-side image processor 100 is used to determine and detect a dirt image for correction. The engine-side image processor 100 includes a color signal generator 401 that includes a converter for calculating chromaticity data from image lightness data, a threshold table 503 for determining whether image data represents a black image, and a threshold table 505 for determining whether image data is out of a predetermined color space.

Claims 1 and 8 recite converting a portion of input color image data into chromaticity data and detecting whether the input color image data is out of a predetermined color space based on lightness data and the chromaticity data.

In numbered paragraph 3 on page 2 of the Office Action, the PTO acknowledges that *Shirasawa* fails to teach the use of chromaticity data in its assertion that the red, green, and blue values of color as described in *Shirasawa* can be used to determine lightness and chromaticity values. For at least this reason it should be reasonably evident that *Shirasawa* does not teach the conversion of image input data into chromaticity data.

Secondly, the PTO alleges that Figure 7b of *Shirasawa* shows that a predetermined color space is based on lightness and chromaticity data. Applicants disagree because although an RGB color space can arguably interpreted to include lightness and chromaticity data, it still does not teach that the RGB data is converted into chromaticity data. In fact, it appears that *Shirasawa* teaches away from the conversion of RGB data into chromaticity data since a great addition of hardware and/or software is needed for removing background noise if a color conversion process is implemented (see col. 9, lines 20-49). Thus, one of ordinary skill would have had no reason to incorporate or substitute a color conversion process into the design of *Shirasawa* in an effort to perform a color duplication technique.

To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). For these reasons, withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 2 and 9 were rejected under 35 U.S.C. §103(a) as unpatentable over *Shirasawa* and *Kawai*. Applicants respectfully traverse this rejection.

Because claims 2 and 9 depend from independent claims 1 and 8, respectively, Applicants respectfully submit that these claims are allowable for at least the same reasons discussed above. In addition, claims 2 and 9 are further distinguishable over the applied art for the additional elements recited therein. Without acquiescing to the specific teachings of *Kawai*, this reference fails to remedy the deficiencies of *Shirasawa* with respect to converting a portion of the input color image data as recited in claims 1 and 8. For these reasons, a *prima facie* case of obviousness has not been established and withdrawal of this rejection is respectfully requested.

Conclusion

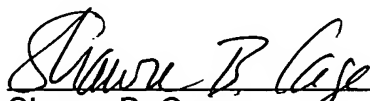
Based on at least the foregoing amendments and remarks, Applicants submit that claims 1-15 are allowable, and this application is in condition for allowance. Accordingly, Applicants requests a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicants request that the undersigned attorney be contacted at the number below.

Respectfully submitted,

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